GUILFORD COUNTY
PLANNING BOARD
REGULAR MEETING MINUTES
Board of Commissioners Chambers – Old County Courthouse
301 W. Market Street, Greensboro, NC 27401
September 9, 2026
6:00 PM

Call to Order

Chair Donnelly called the meeting to order at 6:00 p.m.

I. Roll Call

The following members were in attendance in person for this meeting:

James Donnelly, Chair; Jason Randy Little, Vice Chair; Ryan Alston; Reverend Gregory Drumwright; Sam Stalder; Amy Kemp

The following members were absent from this meeting:

Dr. Nho Thi Bui; Guy Gullick

The following Guilford County staff members were in attendance in person for this meeting:

Leslie Bell, Planning and Development Director; Jason Hardin, Planning and Development Deputy Director; Oliver Bass, Planning and Zoning Manager; Samantha Lockwood, Senior Planner; Darby Terrell, Senior Planner; Troy Moss, Planner I; Amira Yassin-Fort, Planning Technician; Ashton Roberts, Deputy County Attorney; Grady Starnes, Fire Plans Examiner

II. Agenda Amendments

There were no agenda amendments.

III. Approval of Minutes: August 12, 2026

Reverend Drumwright moved to approve the minutes of the August 12, 2026, meeting, as amended. The motion was seconded by Mr. Little. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Donnelly, Alston, Drumwright, Kemp, Little, Stalder. Nays: None.)

IV. Rules and Procedures

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

V. Continuance Requests

None

VI. Old Business

None

VII. New Business

LEGISLATIVE HEARING ITEM(S)

A. CONDITIONAL REZONING CASE #26-08-PLBD-00033: AG, AGRICULTURAL TO CZ-RS-30, CONDITIONAL ZONING – RESIDENTIAL: 6100, 6215 NC HIGHWAY 61 N AND 7150, 7240, 7245, 7255 HOWERTON ROAD

Samantha Lockwood, Senior Planner, presented the Planning staff report for the case. The subject properties are located at 6215 NC Highway 61 N, 7150 Howerton Road, 7245 Howerton Road, 7255 Howerton Road, 7240 Howerton Road, 6100 NC Highway 61 N (Guilford County Tax Parcels #243764, #243718, #243708, #243763, #243713, and #243700 located in Washington Township) located at the intersection of NC Highway 61 N and Howerton Road. The subject properties comprise approximately 233.46 total acres. This is a request to conditionally rezone the subject properties from AG, Agricultural, to CZ-RS-30, Conditional Zoning – Residential, with the following conditions:

Proposed Use Conditions: Uses of the property shall be limited to the following as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

1) All uses in the RS-30 district are permitted, except for the uses struck through on the attached use matrix. Uses to be permitted on the subject properties are identified on the attached use matrix, as follows: Single-Family Detached Dwelling, Home Occupations, Accessory Apartments/Dwelling Units, Subdivision (Minor) - Residential, Subdivision (Major) – Residential (6 or more lots), Temporary Family Healthcare Structures, Bed and Breakfast Home for 8 or Less Guest Rooms (Requires Special Use Permit). The attached use matrix identifies the following uses to be prohibited: Family Care Facility, Mfgr. (HUD)/Mobile Home Dwelling (Class A & B – Requires Manufactured Housing Zoning Overlay), Athletic Fields, Club or Lodge, Country Club with Golf Course, Golf Course, Public Park or Public Recreation Facility (incl. Indoor Batting Cages), Swim and Tennis Club, Place of Worship, Elementary School, Secondary School, Daycare Centers in Residence (in-home) (12 or less), Emergency Services, Cemetery or Mausoleum, Beneficial Fill Area, Wireless Communication Tower – Stealth Camouflage Design, Utilities – Major, Utilities – Minor, Construction or Demolition Debris Landfill – Minor, Land Clearing and Inert Debris Landfill – Minor, Temporary Events/Uses.

Proposed Development Conditions: Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

1) Except for Minimum Lot Width @ Building Line (100') and Minimum Local or Collector Side Street Setback (20'), RS-40 Lot Standards - Section 4.2.2.B Dimensional Requirements shall apply, including but not limited to:
   a) Minimum Lot Size shall be 40,000 sf
   b) Minimum Front Street Setback shall be 40'
   c) Minimum Minor Thoroughfare Street Setback shall be 45'
   d) Minimum Major Thoroughfare Street Setback shall be 50'
   e) Minimum Interior Side Setback shall be 15'
   f) Minimum Interior Rear Setback shall be 30'
   g) Maximum Structure Height shall be 50'
   h) Maximum Building Coverage shall be 30%
   i) Accessory Structures shall comply with standards in Section 4.2.2.B
2) A maximum of 130 lots shall be allowed.
3) A Street Planting Yard per Guilford County UDO Table 6-2-1 shall be provided along the entirety of the lot frontage along NC Highway 61. The Street Yard shall be located entirely within the common area and maintained by the Homeowners Association (HOA). The planting rate will be increased to 3 canopy trees, 3 understory trees, and 20 shrubs per 100 lf instead of the UDO-listed minimum planting rates of 2 canopy trees and 17 shrubs per 100 lf.
4) Street lighting will be full-cutoff type fixtures on decorative poles offered by Duke Energy.
5) A minimum of 50 acres of open space will be provided, which may include areas for wildlife easements, recreation easements, community septic and wells, streams and wetlands. All designated open space shall be owned and maintained by the Homeowners Association (HOA).
6) Will provide a perpetual dedicated easement outside of the existing right-of-way that can be used for the Mountains to Sea Trail so the trail does not have to be on Howerton Road. The location is to be reviewed and approved by Guilford County.
7) A minimum of 6 acres that is contiguous to the Guilford County – County Farm Park will be dedicated for a wildlife conservation easement. The land shall be owned and maintained by the Homeowners Association (HOA).
8) Vegetative cover within the community septic areas shall be maintained as follows:
   a) Vegetation directly over designated septic drain lines shall be maintained in a condition that allows visual inspection and operation of the system. Routine mowing may be performed as necessary, but vegetation shall generally be maintained between 8 and 15 inches. Vegetation within 2' of any above-ground septic apparatus shall be maintained to be visually evident.
   b) Areas outside of septic drain lines shall be managed as native grassland habitat and shall generally be maintained at a mature height of approximately 24 to 30 inches, including repair areas not utilized.
   c) Mowing in all areas shall be prohibited generally between April 1 and August 15, with the exception of when required under condition 8a, as this is the normal nesting habitat period, except for emergency repairs to the septic system or utilities; to control noxious or invasive vegetation; or as otherwise required by the Guilford County Environmental Health Department or System Operator.
   d) Herbicides shall be limited to spot treatment of invasive or noxious plant species.
   e) If mowing is performed, vegetation shall not be mowed below a height of 8 inches.
   f) The Homeowners Association (HOA) will be responsible for all maintenance of these areas as well as enforcement of this section with all homeowners.

Ms. Lockwood noted that the proposed conditional rezoning is inconsistent with the subject property's current Future Land Use Map (FLUM) classification of Working Farm/Agriculture. If the request is approved, an amendment to the Residential classification will be required.

Ms. Lockwood stated that these development conditions may serve to reduce the impact of development on the neighboring park facility and area wildlife, provide more housing opportunities. However, due to the multitude of factors involved including, but not limited to, the significant size of the tract(s), potential impact of the development, and environmental sensitivity of the surrounding area, staff is requesting additional review time.

Chair Donnelly informed the Board that it is not required to make a decision on the case tonight. Chair Donnelly asked the Board for their thoughts on whether to proceed with tonight's meeting. He stated that because all the parties were present, the hearing would proceed. The Board is not bound to make a decision tonight if it decides that additional information is needed based on the staff recommendation.

Chair Donnelly opened the public hearing and asked anyone wishing to speak in favor of the request to come forward and sign in before speaking. The same will be offered to those speaking against the request.

Chair Donnelly noted that several emails with comments were provided as part of the case. He stated that a power of attorney designation was submitted, authorizing Shawn Cummings to act on behalf of JM Holt and Associates. This will allow any amendments to the application. He recognized receipt of emails with comments on the requested rezoning.

Attorney Marc Isaacson, 804 Green Valley Road, representing the applicant, provided information on the request. He stated that they are willing to remove bed-and-breakfast homes and family care homes as permitted uses. This development is intended to be a single-family residential community, and there was no intent to operate a bed-and-breakfast. He offered to add that as a condition to the conditional rezoning application.

Attorney Isaacson referred to a question related to the Parks and Recreation Department and stated that they were committed to dedicating an easement to accommodate a walking trail connected to the Mountains-to-Sea Trail, which is a condition of the application. It will be contiguous to the County property. He stated that they understood the exact location would be part of the site plan and subject to the County's approval. The condition related to the sixth condition is the dedicated easement. The seventh condition would also be subject to Guilford County's approval.

Attorney Isaacson stated that the six acres referred to in the seventh condition will provide a wildlife conservation easement contiguous to the County Farm Park, and that it will be governed by the Homeowners' Association (HOA), which would be subject to Guilford County approval. He stated that they have an illustrative description of where they think six acres would be located.

Attorney Isaacson went on to explain that the property is about 230 acres located about 2,000 feet from the Gibsonville City limit. He noted that other properties in the area are zoned RS-30, RS-40, and Public/Institutional. He stated that the conditional zoning was for very low density at 0.55 houses per acre. It was similar to neighboring properties in Summer Glen. One key consideration was whether the property was consistent with other properties in the area. The property was seven miles from the Food Lion and Publix distribution centers, which are in an industrial zoning district. The Future Land Use Map, which was intended to guide zoning, was one part of the consideration and was a guideline with specific goals and objectives. The Board voted to deny the project a few months earlier.

Attorney Isaacson said that detailed conditions were added to show what the property was intended to do. The applicant also did much more outreach to the surrounding neighbors. The conditions added to this application show their commitment to addressing the concerns previously raised. He shared an illustrative concept plan that provides an overview of how the property would be developed, including easements, streets, vegetative cover, and more. They are trying to meet a critical need for housing in the county due to thousands of new jobs introduced to the area. The subdivision will have restrictive covenants that will mirror those in Summer Glen Subdivision. He presented an illustrative concept plan that will demonstrate the proposed conditions.

Reverend Drumwright asked what the new plan addressed that differed from the plan that led to the unanimous opposition. Attorney Isaacson responded that there are significant additional zoning conditions that address the migratory bird population, the Mountains-to-Sea Trail, and the preservation of open spaces, which resulted from communication with Guilford County Staff and the neighbors.

Reverend Drumwright asked about the concerns about the impact of traffic. Attorney Isaacson responded that Rynal Stephenson, a transportation engineer, was available for additional questions if needed. He added that the rezoning request did not trigger the requirement of a traffic study. The traffic impact would be minimal. Reverend Drumwright noted that although the density was low, he was concerned about the impact of 130 homes on the 230-plus acres.

Rynal Stephenson, 5808 Ferrington Place, Raleigh, NC, stepped to the podium. He reported that they reviewed the traffic impacts in the area, but a full traffic study was not required. They examined the traffic the development would generate and analyzed the intersections. All of the intersections and movements near the property would continue to operate well. Not all traffic exited through a single entrance; instead, it spread across multiple driveways, reducing the impact on any one intersection.

Chair Donnelly granted two additional minutes to the speakers in favor of the request, due to questions from the Board regarding certain conditions.

Joy Isley, 7104 Howerton Rd, stepped to the podium. She stated that her property abutted the property at hand. She organized a community meeting after learning that a developer had purchased agricultural land, with the goal of protecting the area. The response was overwhelming, with more than 80 residents coming together to advocate for the community. The developer better understood their concerns after the Planning Board voted against the development.

Key community concerns included maintaining the area's rural character, minimizing traffic impacts, protecting natural areas, selecting quality builders, establishing strong covenants, preventing the paving of Howerton Road, preserving the Mountains-to-Sea Trail experience, and protecting important wildlife habitats. Although many residents preferred that the land remain agricultural, the community learned early that the property owner had the right to determine its use. The community engaged constructively with the developer. The developer came to understand the significance of the bird population and wildlife and incorporated many community priorities.
Ms. Isley stated that she could no longer support continued opposition against the plan, since she believed it represented a compromise and was better than many other potential uses of the property. She and her husband believed the outcome was the best possible and supported it.

Vice Chair Little asked Ms. Isley for more information to help the Board understand the community's perspective. Ms. Isley noted that her personal concern was a data center or another type of large development being placed on the property.

Reverend Drumwright asked Ms. Isley how much of the community she is speaking for, given the number of opposition letters received by the Board. She stated that a group of people living in Summer Glen supported her statement.

Todd Smiley, 6904 Claron Oaks Court, Summer Glen Community, stated that he was a resident of the nearby community and had the opportunity to serve on the small group. The committee debated quite a bit amongst itself and the larger community. The small group also challenged the developer and the residents. He discussed how much communication was needed. He discussed the evolution he had seen in the developer's listening to and hearing of the concerns of the residents and the small group. He stated that what was presented at the current meeting was a compromise with the developer. He said that he would like more information on where the letters opposing the development came from and discussed that it fell on the community as a whole to fix the issues together.

Reverend Drumwright stated that they had two sets of letters from the Bird Society, and they were on two opposite sides of the issue. He said he was not sure which society was more representative of the community and credible on the issue, or which was more directly impacted. Mr. Smiley stated that having had two piles of letters, both those who opposed and those who were in favor of the development, spoke to all of the communication and work that had been done with the development and community.

Attorney Isaacson stated that it was discussed that there were no current restrictions on what the land could be used for, but the conditions were binding and limited land use to the listed items. That commitment was in writing and would remain with the property.

Heather Russell, NC Audubon Society, 591 Jockey Place, stepped to the podium. She stated that she was unclear about the commitment to maintain the bird habitat. She stated that the TG Pearson Audubon Society, in a letter, committed to supporting the maintenance of the bird population on the property. She stated that the letter was not in support of the development.

Chair Donnelly noted that Reverend Drumwright was seeking insight into the differing

opinions.

Reverend Drumwright asked if the two societies worked together. Mr. Russell confirmed that they did.

Reverend Drumwright asked if they were aware of the different correspondences. Members from the two societies confirmed that they had. He noted that the letter was not necessarily in support but was more about the discussions that had taken place.

Jim Gant, President of the Piedmont Bird Society, 1483 Bethan Dr, said their society's position was to advocate for birds and the environment. He stated that he was opposed to the development. He stated that the Piedmont Bird Society and Audubon Society shared the same mission of advocating for birds with individuals working across Guilford County and even outside the county. He stated that they work with the Guilford County Farm Park frequently. Chair Donnelly noted that he was welcome to return to provide comments for the opposition.

Reverend Drumwright asked whether the Piedmont Bird Club could have more say in how the bird sanctuary was managed. Mr. Gant stated that they worked more closely with Guilford County and the area surrounding the Guilford County Farm.

Chair Donnelly invited anyone opposed to the rezoning to step to the podium and provide public comment.

Anne Cassebaum, 3469 Amele Rd, Elon, NC, stepped to the podium to provide public comment. She reported that six months after the Board denied the development, a new proposal was submitted, but it did not address the concerns. It still involved a loss of 234 acres of agricultural land. The rezoning request was denied because it would harm the unique Guilford County Farm and conflict with the Guiding Guilford Comprehensive Plan. Rezoning the land would undermine the democratic process of the Guiding Guilford Comprehensive Plan, which took two years to draft. The vision of Guiding Guilford emphasized the importance of rural landscapes and working farms and highlighted the need to incentivize farming. Ms. Cassebaum said they should not rush to give away the valuable farmland. The farmland was a natural way for people to enjoy the area. Scouts camp and many groups gathered there. She stated that the farm was essential to their well-being. The less expensive houses still would not be in the affordable range or near the transit, infrastructure, and jobs that Guilford County greatly needed. Volunteers would have to maintain the proposed trail. She asked who would ensure that the HOA carried out the plans. Ms. Cassebaum reminded everyone that the land was purchased as agricultural land.

Ms. Cassebaum noted which nearby roads were paved. She stated that Howerton Road west of Highway 61 is paved; east of Highway 61, it is unpaved until the junction with County Farm Road.

Chair Donnelly stated that a portion of Howerton Road was unpaved and asked whether it was strictly under NCDOT's purview. Mr. Bell confirmed it was under NCDOT's purview.

Russell Early, 6031 Bethel Church Rd, stepped to the podium to provide public comment. He raised concerns about the loss of cropland and farmland. He stated that he came from a farm family and was a farmer himself. He said that at the last meeting, he heard a comment about farmers purchasing the land themselves to protect it. He discussed how expensive farmland was and that it was not feasible for them to purchase it to save it. Once farmland is developed, it never returns to farmland. He asked Guilford County to save the land and prevent another devastating loss for farmers and their neighbors.

Chair Donnelly asked how farming affected the habitat on Mr. Early's property. Mr. Early discussed that not all of the land could be farmed. Important parts of the property, such as the trees and streams, could not be farmed.

Mr. Gant reported that the Piedmont Bird Club reviewed the updated rezoning request, including the conditions. Based on their assessment of the negative impact on the system, the Guilford County Planning Board was asked to deny the rezoning request. The property was one ecosystem with various habitats and included over 100 bird species. Construction would prevent sensitive bird species, especially migratory birds, from using the area. Domestic cats would cause additional stressors to the birds. The land requested for rezoning was an essential part of the habitat. Noise pollution was another concern noted. The proposed mitigating actions and conditions would not change the significant and permanent impact on the ecosystem. Over three million birds had been lost in North America since 1970, and the primary driver was the loss of natural habitats. He said there was no opposition to development in Guilford County or to development in the area, but he opposed the proposed type of development and to the rezoning request.

Chair Donnelly asked about the adjacent residentially zoned areas to the north and stated that two of them were well over half the size of the proposed development. He asked why the specific development became the tipping point. Mr. Gant stated that when one development was put up, they had no knowledge, they were not involved and their voices were not heard. They were trying to prevent additional sprawl that would take away the vital ecosystem.

Reverend Drumwright thanked Mr. Gant for attending the meeting and for his expertise. He asked where the birds would go if the development proceeded. Mr. Gant explained that the habitat would shrink. Birds would often go elsewhere, but the many developments limited where they could go. The area is a major fly route for migrating birds and was also a common place for birds to rest during migration. He said there needed to be a better process to determine the environmental impacts on the entire ecosystem. Reverend Drumwright asked whether another area in Guilford County had a similar ecosystem. Mr. Gant stated that there were approximately eight other preserves, but none of them were the size of the one on the property being discussed.

Amy Hanson, 303 E Hendrix St, stepped to the podium to provide public comment. She reported that she was a member of two bird societies. She stated that the bird population would decline if part of the habitat was lost. She noted that the Guilford County Farm Park area was the best place to go to see many bird species in the county. The Audubon Bird Society letter was discussed. Ms. Hanson discussed the

importance of the property's land and noted that the birds did better with larger habitats. She stated that she would like more time to reach out to more people and staff.
Ms. Hanson stated that there was a lot of confusion about the difference between a concept plan and a commitment, and asked who would ensure the HOA carried out the plans.

Chair Donnelly provided a five-minute rebuttal period for comments from the applicant and the opposition.

Attorney Isaacson discussed the County Farm Park and the location. The subject property was touching the County Farm to the west. To the southeast of the County Farm Park was a parcel zoned SC, Shopping Center, one of the most intensively zoned retail districts. The area had a variety of zoning. The county had various mechanisms by which properties could be committed to agricultural use, and the current property was not registered that way. It is available land. If the property was being farmed, it was not necessarily being preserved for the bird population or for any other wildlife. They presented conditions committed to preserving the area for the existing ecosystem.

Chair Donnelly clarified that SC is not a zoning under the current UDO, but existed under the prior Ordinance. The current zoning is HB. This would be updated in the County GIS.

Anne Cassebaum commented that if land was zoned AG, it did not mean it was up for grabs until rezoned. The land was purchased as agricultural land. It was stated that just because land was being farmed did not mean it was not a habitat. Numerous scientific studies show negative impacts on bird populations when habitat is removed.

Mr. Gant stated that just because something is not being farmed, it does not mean it is not a bird habitat. He stated that you cannot lose land without having a negative effect.

Ms. Cassebaum asked whether a data center could be placed on AG-zoned land. Mr. Bell stated it was not. She stated that the current design was not the worst outcome because it was not a data center or a large apartment complex.

Mr. Early commented that AG zoning allowed farming, and that was the zoning's intention.

Chair Donnelly closed the public hearing by acclamation, and the Board took a five-minute break at 8:23 p.m. Chair Donnelly called the meeting back to order at 8:28 p.m.

Chair Donnelly recognized a letter from the NC Department of Agriculture and Consumer Resources and noted that the Board received a number of comments.

Chair Donnelly stated that there was an earlier request to amend the application to eliminate the Bed & Breakfast Home for 8 or fewer guest rooms and the temporary family healthcare structure as permitted uses. Chair Donnelly asked if anyone would like to make a motion to amend the application to eliminate the Bed-and-Breakfast and the Temporary Health Care Use.

Attorney Roberts clarified that the Family Care Home Facility Use has already been

removed from the application. Therefore, the motion would only be needed to amend the application to eliminate the Bed-and-Breakfast use.
Chair Donnelly suggested clarifying with the applicant. Chair Donnelly asked Attorney Isaacson whether he was in a position to clarify which uses would be eliminated from the application.

Attorney Isaacson stated he was in a position to clarify and requested that the application be amended to delete the 2 uses mentioned, the temporary family health care structure and the bed and breakfast, but that those uses would be permitted or not allowed.

Reverend Drumwright moved to accept the applicant's amendment to eliminate the bed-and-breakfast home use and the temporary healthcare structure use. The motion was seconded by Mr. Stalder. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Donnelly, Alston, Drumwright, Kemp, Little, Stalder. Nays: None.)

Mr. Alston stated that he wanted everyone to learn from circumstances such as this. He said he wanted to preserve agricultural land as much as possible, but there was also strong demand for housing. He discussed the concerns presented at the current meeting and said the community and others needed to work to actively protect areas crucial to the ecosystem through conservation easements, enhanced agricultural districts, and more. Those conversations had to happen while the landowner was still able to participate voluntarily. He commented on the need for community members to be proactive instead of reactive. The zoning built a blueprint for what was expected, but land could still be rezoned. He voiced his support for the rezoning request.

Chair Donnelly asked what additional information would enable the staff to make a recommendation. Mr. Bell responded that the bounds of what is being protected with the conservation easement, and the extent of the habitat being discussed. What else may be there that staff are not aware of. It would help staff if applicants could provide more information to make a more informed decision, particularly regarding some of the conditions. It will help staff to affirm if some of the conditions that were offered for the conservation easement are adequate.

Mr. Little commented that this was the most amazing turnaround they had seen for an application and that it was great to see the community and the developer working together.

Reverend Drumwright stated that he saw it slightly differently from Mr. Alston. He referenced a public comment that the farmers did not make enough money to purchase the land. He acknowledged that the developer had done more and offered more to the community than he had seen, and he stated that it was admirable and offered a new blueprint for how a community and developers could come together. He discussed how much farmland was being converted to development and noted that a study ranked North Carolina as the leader in agricultural land loss. He said he would support continuing the matter until more conversations could be held.

Ms. Kemp thanked everyone for attending and providing their comments. She said it was amazing that the developer came back with the concessions the neighbors asked for. The Parks and Recreation study was important, and the sewer and water

portion had not yet been addressed, which could be impactful. She stated that she was open to continuing the case.

Mr. Stalder stated that he believed it was a good compromise on land use. He stated that an alternative could have more lots and less conservation. He said he would support approval or a continuance.

Mr. Alston clarified that he was not trying to speak down to the community, but he wanted the community to be proactive in preserving the land. The comprehensive plan did not state that zoning could never be changed; it was a tool to guide future land-use decisions. He stated that he respected the other Board members' desire to continue the issue and was okay with continuing. He commented that he had never seen such a quick turnaround on a plan from a developer and such extensive outreach to the community.

Chair Donnelly said their primary responsibility was determining what an appropriate land use is for the subject properties. He recognized that they had to look more narrowly at what was an appropriate land use, what was reasonable, and what was consistent. He noted the importance of the Future Land Use Map in their consideration. He believed the low-density per acre looked more residential, or even potentially agricultural, which was a compelling point supporting the reasonableness of the land-use proposal. At the same time, the negative impacts on the surrounding areas had to be considered. The area was a unique habitat, and there was at least one proposal to obtain additional information about the broader implications and what was at risk. He stated that he was willing to support a continuance and move forward with a decision on the case.

Attorney Roberts noted that if the study was requested, it would be on the applicant's property, and the property owner's consent would be required. Chair Donnelly asked Attorney Isaacson about the issue.

Attorney Isaacson stated that the property owner would gladly grant the county permission to do any necessary studies. He noted that they had a concept plan, but a process would be needed to determine the overall plan. He stated that he would prefer the process move forward, but he was happy to include any studies as part of the site plan process.

Reverend Drumwright moved to continue the Conditional Rezoning Case #26-08-PLBD-00033: AG, Agricultural to CZ-RS-30, Conditional Zoning – Residential: 6100, 6215 NC Highway 61 N And 7150, 7240, 7245, 7255 Howerton Road to no more than two months from the current date of September 9, 2026, to gather additional information, including a 30-day biological inventory of the adjacent property with the impacts reasonably expected from the proposed development, consistency with the applicable adopted plans and whether the requested rezoning is feasible and in public interest. The Parks and Recreation Department is requested to provide identified information in 45 days, and Planning Staff is directed to review it and provide supplemental reports before continuing. No final recommendation or decision shall be made until that point.

Chair Donnelly asked staff whether the motion sufficiently covered the items related to Parks and Recreation. Attorney Roberts clarified that the adjacent property was the subject property, not the County Farm. The motion asked for the applicant to submit the information, but the Parks and Recreation Department should submit it. Reverend Drumwright accepted the staff's recommended amendments to the motion. The motion was seconded by Mr. Little. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Donnelly, Alston, Drumwright, Kemp, Little, Stalder. Nays: None.) Chair Donnelly noted that the public hearing would be continued to a meeting date within no more than two months. The public hearing could be reopened if the Board desired.

VIII. Evidentiary Hearing Item(s)

A. SPECIAL USE PERMIT CASE #26-07-PLBD-00031: REQUEST TO AMEND SPECIAL USE PERMIT FOR SOLAR COLLECTOR (PRINCIPAL) Ref. Case #21-05- GCPL-04192: 1984, 1942, 1922, 1890, 1951 MT. HOPE CHURCH ROAD, & 1413 STEWART MILL ROAD (ZONED AG, AGRICULTURAL)

Chair Donnelly swore in or affirmed all present wishing to speak on the case.

Ms. Lockwood presented the staff report for Special Use Permit Case #26-07-PLBD-00031 to the Board. She confirmed that the appropriate notice signs were placed. The subject properties are located at 1984 Mt. Hope Church Road, 1942 Mt. Hope Church Road, 1922 Mt. Hope Church Road, 1890 Mt. Hope Church Road, 1951 Mt. Hope Church Road, and 1413 Stewart Mill Road in tax parcels #116807, #116805, #116804, #116799, #120643, and #120662. The subject properties are approximately 1,500 feet northwest of the intersection of McConnell Road and Mt. Hope Church Road, and comprise approximately 470 acres. There is no history of denied cases on the subject properties.

Ms. Lockwood stated that the request is to amend the existing Special Use Permit (SUP) for a Solar Collector (Principal) use to revise a portion of Development Condition #3 (listed below under Current SUP Development Conditions), specifically requiring "wildlife-friendly fencing" and instead allowing standard fencing in its place. All other conditions previously approved by SUP Order 21-05- GCPL-04192 (listed below) and as amended in BOA variance 23-06-BOA-00005 (listed below) shall carry over and apply. Conditions number 1 and 2 will remain unchanged and is agreed as follows:

1) Along the western and southern boundaries of parcel # 120643, West River Solar will observe minimum setbacks of 125 feet from the nearest panel to adjoining property lines as shown on the site plan submitted May 12, 2021;
2) Along the western boundaries of parcel #120643, West River Solar will plant or preserve a minimum of 50 feet of vegetation for screening purposes as shown on the site plan submitted May 12, 2021; and
3) The request to revise Condition 3 from as it currently reads: “To the extent practicable, West River Solar will plant native grasses or pollinator plant species within the project footprint and install wildlife-friendly fencing that meets or exceeds the standards of the National Electric Code” to remove the words “wildlife-friendly fencing” from that condition.

Ms. Lockwood said that BOA Case #23-06-BOA-00005 granted two variances to the Subject Properties. These variances are as follows:

1) The first variance applied to the internal boundary of Parcels #120662 and #116799.

   The approved variance for Parcel #120662 was for a 15-foot variance to allow minimum side yard setbacks of 0 feet and the elimination of the landscape buffer requirements. The approved request for Parcel #116799 included a 30-foot variance to allow minimum rear yard setbacks of 0 feet and the elimination of landscape buffer requirements.
2) The second variance applied to the internal boundary of Parcels #116805 and #116807. The approved variance for Parcel #116805 was for a 15-foot variance to allow minimum side yard setbacks of 0 feet and the elimination of landscape buffer requirements. The approved request for Parcel #116807 included a 15-foot variance to allow minimum side yard setbacks of 0 feet and the elimination of landscape buffer requirements.

Ms. Lockwood stated that the current zoning of the subject properties was AG. The AG (Agricultural District) is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations.

Ms. Lockwood presented the vicinity map for the subject properties. The existing land uses on the property were Solar Collectors Principal, Residential, and Agricultural. Two inventoried historic resources are located adjacent to the subject properties. The Stewart House is located adjacent to the subject properties on Parcel 116796. This property is not a local historic landmark, but it was inventoried by the State Historic Preservation Office as Site No. GF2049. Additionally, the Phipps House is located adjacent to the subject properties to the west on Parcel 116797. This property is also not a local historic landmark, but the State Historic Preservation Office inventoried it as Site No. GF1602. The requested amendment to the Special Use Permit is not anticipated to have a substantial impact on these historic resources.

Ms. Lockwood noted that no cemeteries are located on or adjacent to the subject property. The properties are located 6.6 miles from the nearest fire station in the McLeansville FPSD. Water and sewer services were private and not within a service area.

Ms. Lockwood said that Mt Hope Church Road is classified as a Major Throughfare under the adopted Thoroughfare and Collector Street Plan. The North Carolina Department of Transportation (NCDOT) 2025 Annual Average Daily Traffic count was 2,698 cars. No proposed road improvements are currently known in the area. Any new development would be subject to NCDOT review and would need to obtain any required approvals. A projected traffic generation was not provided.

Ms. Lockwood stated that per the USDA-NRCS Soil Survey, the topography of the above-referenced parcels ranges from nearly level to gently and strongly sloping and moderately steep to steep, very steep, and extremely steep. There is a regulated floodplain on site per the effective Flood Insurance Rate Map. Mapped wetlands are present on site per the National Wetlands Inventory. There are mapped streams on site

per the USGS Topo Quad Map and/or Soil Survey Map of Guilford County. The property is located within the Lake Mackintosh WS-IV General Watershed Area (GWA).

Ms. Lockwood noted that the Future Land Use Map (FLUM) classification of the subject properties is Working Farm/Agriculture in the Southeast Quadrant.
Ms. Lockwood stated that per Unified Development Ordinance (UDO) Subsection 3.5.Q.3.g, the applicant must demonstrate that the following review factors have been adequately addressed:

1) Circulation: Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of emergency. The submitted zoning site plan shows that access will continue to be from Mt Hope Church Road. The applicant will need to obtain an NCDOT Driveway Permit and any other needed approvals, if required, during the formal site plan review process.
2) Parking and Loading: Location of off-street parking and loading areas. Parking for Solar Collectors Principal is subject to UDO Table 6-1-1: Parking Requirements. Solar Collectors Principal would be classified as “All other utilities & communications uses” under the Utilities & Communications use category, which is subject to Subsection E - Uses with Flexible Parking Demand Characteristics. Parking requirements will be addressed during the formal site plan review process.
3) Service Entrances and Areas: Locations of refuse and service areas with adequate access for service vehicles. Locations of service areas will be reviewed to ensure adequate access for all service vehicles during the formal site plan review process per UDO Subsection 6.1. The applicant will also need to obtain an NCDOT Driveway Permit and any other needed approvals, if required, during the formal site plan review process.
4) Lighting: Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other property in the area. A lighting plan, if required, will be reviewed during the formal site plan review process in accordance with UDO Subsection 6.3.
5) Utilities: Location and availability of utilities (public or private). The Guilford County Environmental Health Division will regulate septic evaluation during the formal site plan review process. The existence/location of utility easements will also be reviewed by staff during the formal site plan review.
6) Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable). County staff will review landscaping requirements during the formal site plan review process per UDO Subsection 6.2.
7) Environmental Protection: Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space and other natural features. Environmental regulations will be administered by the Guilford County Watershed/Stormwater Section during the formal site plan review process per UDO Subsection 9.
8) Landscaping, Buffering & Screening: Installation of landscaping, fencing, or berming for buffering and screening where necessary to provide visual screening where appropriate. Landscape buffer and street planting yard requirements will be addressed during the formal site plan review process per UDO Subsection 6.2.4.9.
9) Effect on Nearby Properties: Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic. A lighting plan, if required, will be reviewed during the formal site plan review process in accordance with UDO Subsection 6.3. The applicant will also need to obtain an NCDOT Driveway Permit and any other needed approvals, if required, which would

cover traffic flow and safety concerns. 10.

10) Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties. Adjacent properties are predominantly agricultural and residential.

Any landscape buffering and screening requirements will be addressed during the formal site plan review process per UDO Subsection 6.2.

Ms. Lockwood explained that per UDO Subsection 3.5.Q.3.f: Required Findings, the Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board, based on competent, material, and substantial evidence in the record:

1) The proposed use is represented by an "S" in the column for the district in which it is located in UDO Table 4.3-1: Permitted Use Schedule;
2) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
3) That the use meets all required conditions and specifications;
4) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
5) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.

Ms. Lockwood concluded that after reviewing the application and site plan submitted for this request, staff offers the following for consideration by the Planning Board:

1) The development of the parcel shall comply with all regulations as specified in the Guilford County UDO. A copy of the Technical Review Committee (TRC) comments on the submitted site plan is included with the case materials.
2) The development shall proceed in conformity with all plans, granted variances, and conditions attached to the Special Use Permit application and kept on file by the Guilford County Planning and Development Department.
3) The development shall proceed upon approval of the formal site plan and design features by the Planning & Development Director or designee after receiving comments from the TRC, identifying conditions related to the request and applicable development standards. The formal site plan must comply with applicable development standards contained in the UDO and meet the requirements outlined in Appendix 2: Map Standards.
4) The development shall proceed in accordance with any added conditions, if applicable.
5) If the conditions specified in this Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. The use may be permitted again only by applying to the Planning Board for another Special Use Permit and receiving approval.

Chair Donnelly asked if the internal property line allowed the Solar Farm to act as if the property boundary were not present. Ms. Lockwood confirmed this was correct.

Chair Donnelly asked whether anything in the request reviewed by Staff raised concerns with respect to the UDO. Ms. Lockwood confirmed that there were none.

Reverend Drumwright asked if the special use permit was just for the fence change. Ms. Lockwood confirmed that is correct.

Chair Donnelly invited the applicant to come forward to present testimony.

Attorney Tom Terrell, 230 N. Elm St, Greensboro, NC, representing the property owners, West River Solar, LLC, JH Stewart Family, LLC, and Needham Farm, LLC, stepped to the podium. He presented a notebook with information regarding the request for a Special Use Permit. He reported that the difference between a wildlife-friendly fence and a standard fence was only three inches. He stated that it was the first time he had been before a Board in which the proposed difference was so small. It was the first time he presented a case on the principle of res judicata, which means you already made the decision and there was nothing material that came to you that would change the findings that you had made, which is the reason that he provided all the material that was accepted by previous boards and all the material that this Board has adopted so that the record has all of this in it. He informed the Board that behind Tab 1, there is a year-by-year history. There were two solar farms, one in 2018, and 52 acres were added in 2021. The board adopted an order that made all the findings that the solar farms met all the standards, but there was one provision offering wildlife fencing that was volunteered. Staff did not ask for it; the neighbors did not ask for it. Pine Gates and Noble were interested in doing that because it allowed skunks, possums, rabbits, and very small mammals to get from one side to the next.

Attorney Terrell continued saying there were variance requests approved in 2022. Pinecroft was the only company that had to file for bankruptcy. The applicant was a team of professionals who handled it so it could be completed. Someone ordered the wrong fence, and regular chain-link was ordered instead. A multi-page letter was sent to the neighbors. He stated that the fencing, which was only volunteered, would be behind the vegetative buffers and not visible from the road. He cited subsections 71 and 72 related to the protection of small animals and said it could be volunteered, but the protection of small animals was outside the Planning Board's powers. He reemphasized that everything else in the plan was conditional, and the only change was allowing the fence change that was inadvertently ordered. The fence size was not a factor in the plan approval. He stated that one of the cases that would be most applicable to this case is the case he argued in front of the Court of Appeals, that is, Mount Ulla Historical Preservation Society vs. Rowland County. In that case, when a board makes a decision, it has the same facts, the same issues, and the same standards. The next Board has to make the same findings if there is no material change.

Chair Donnelly stated that the Board had one similar case involving res judicata. He asked how the Historical Preservation Society case applied to the current situation.

Attorney Terrell stated that he was presenting the Historical Society case, which involved the height of a broadcast tower. Pilots presented evidence, and a large, organized protest took place. They offered to reduce the tower from 1,300 feet to 1,100 feet, but the pilots requested a reduction to approximately 700 feet. Mr. Terrell stated that a material difference for the Board could take any action. Attorney Terrell discussed that precedents had to be followed.

Chair Donnelly asked Attorney Roberts whether she had anything to add. Attorney

Roberts confirmed that she agreed with Mr. Terrell's interpretation that the burden would shift to the opponent to prove why this change was so material that it would change the previous findings.

Chair Donnelly invited members of the public to come forward and present testimony. Juan C. Vazquez, 1858 Andrews Farm Rd, stepped to the podium. He asked the Board to keep the third condition to require the wildlife fencing. The change caused by an ordering mistake would cause real damage to his property because normal wildlife movement in the area was already harmed by the amount of land that had been cleared. Replacing the fence with a standard chain-link fence would act like a solid wall, preventing smaller animals from moving freely. He stated that wildlife fencing was specified for a reason. He stated that an ordering mistake should not become one of the neighbors' problems. Specific promises were made by adding the volunteered condition, and now the applicant was asking for it to be removed because of an ordering mistake. He stated that he expected a commercial developer to be held to the same standards as everyone else. He stated that neighbors should not be punished with property damage just to make up for the developer's mistake.

Reverend Drumwright asked Mr. Vazquez if he was present for the request in 2022. Mr. Vazquez stated he was not present, that he received a phone call notifying him of the property developer's intention to build behind his property, but he did not understand the full scope of the project at that time.

Chair Donnelly asked about the material nature of the change. Mr. Vazquez reiterated that the animals would be trapped. When you clear 470 acres, those animals get displaced, and they have to figure out where to live.

Aaron Bartlett, 6008 Ingold Rd, stepped to the podium. He stated that they were initially excited about the solar development. Over the past year and a half, the project had stalled. Hundreds of stacks of solar panels lay on the land. He appreciated that the fence was offered as a concession, but it was part of the commitment. He discussed who it was imperceptible to, since it would impact the animals and was chrome instead of black. He stated that he wanted to understand what the fences would look like and did not want to make concessions for an ordering mistake.

Reverend Drumwright asked if he remembered the proceedings. Mr. Bartlett noted that he had moved shortly after the development started.

Attorney Terrell asked to comment, noting that concessions were constantly being made and that it was important to note that the developer was not asking to get out of anything or to be allowed to avoid the proper oversight bodies. The type of wildlife displacement was commented on. It was noted that the wildlife was already displaced and was only changing its path.

Reverend Drumwright asked the attorney if there were images of the chain-link fence. Attorney Terrell stated that the chain-link fence was standard at least 6 feet in height. However, later in the meeting, it was confirmed that no image was in the packet.

Chair Donnelly swore in Robin Davis to present testimony.

Robin Davis, 313 S. Chapman St., stepped to the podium. She stated that she

searched for the differences between a standard and wildlife fence, and the differences included hole size, fence height, and being off the ground so animals could move beneath it. She raised concerns about wildlife and discussed its importance. She said the commitments were likely made to get project approval, and now they were being removed.

Attorney Terrell stated that it may be an opinion that the wildlife fencing was better, but in order to make a different decision, it had to be shown that it made a material difference to the findings.

Hearing no further comments, Chair Donnelly closed the evidentiary hearing.

Reverend Drumwright asked Attorney Roberts how it would not be characterized as a material difference if it were not the original permeable wildlife fence. Attorney Roberts stated that the different factors had to be considered, and it was up to the Planning Board to determine whether the change in fencing would change responses to the factors.

Chair Donnelly asked whether there was evidence that the change would materially endanger public health or safety, that the change shifted the whole project from meeting the required specifications and conditions, that it would substantially injure the value of the property, or that it would fundamentally alter the harmony of the area. Under North Carolina precedent, the burden of demonstrating the difference fell on the opposition because the Board heard this case and approved it.

Reverend Drumwright stated that the Board negotiates with the applicant at every meeting for concessions. He asked whether it was reasonable to change a concession the applicant offered. He stated that he believed the concession was influential in the case and asked how they could consider it not a commitment. He referenced the condition and commented that he believed it was no longer met: "That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity." Is the fact that it would cost too much adding or reducing the value of the concession that was put forward, or these property owners?

Chair Donnelly stated that this is different from rezoning conditions. With a special use permit, the Board has to decide based on the evidence presented. They were obligated to issue the special use permit if all of the conditions were met.

Reverend Drumwright asked Attorney Roberts if a concession was a commitment. Attorney Roberts stated that she could not offer a legal opinion on whether a concession was a commitment.

Reverend Drumwright stated that he could not support the applicant’s request due to the concession that had initially been made.

Chair Donnelly stated that he did not recall whether the condition regarding the wildlife fence was a relevant factor in determining the outcome of the discussion.

Mr. Alston stated that he believed the condition was important and echoed others’ comments about not wanting to remove the volunteered conditions.

Chair Donnelly stated that it was his understanding that a condition was not the same when the applicant offered it.

Reverend Drumwright referred to Ms. Robin Davis's public comment. He stated that Ms. Davis presented her line of work and certifications during her testimony and asked whether they were acceptable credentials to consider.

Attorney Terrell objected. He stated that she does not live anywhere near the site, and to be qualified as an expert, he has the right to cross-examine her as to relevance and on the evidence.

Chair Donnelly stated that if they wanted to weigh her opinion as substantial, the appropriate process needed to be gone through.

Reverend Drumwright commented on the lack of a photograph of the chain-link in the provided materials. He reiterated his question about a concession being considered a commitment. He said he was having a hard time because wildlife did not play a large role in the initial discussions.

Chair Donnelly stated that he did not disagree in some respects with Reverend Drumwright's comments.

Mr. Little moved that the Guilford County Planning Board, having held a hearing on September 9, 2026, to consider amending condition three under the Special Use Permit Case #26-07-PLBD-00031: Request to Amend Special Use Permit for Solar Collector (Principal) Ref. Case #21-05-GCPL-04192, in accordance with the Guilford County Register of Deeds Book #8507, Pages #2196-#2205 located 1984, 1942, 1922, 1890, 1951 Mt. Hope Church Road, & 1413 Stewart Mill Road in Tax Parcel #s 116807, 116805, 116804, 116799, 120643, and 120662 in Jefferson Township to revise the existing condition #3 specifically requiring wildlife fencing and to instead allow standard fencing in its place. All other conditions previously approved in Case #21-05-GCPL-04192 shall carry over. The proposed amended Special Use Permit condition reads as follows: "To the extent practical, West River Solar will plant native grasses or pollinator plant species within the project footprint and install fencing that meets or exceeds the standards of the National Electric Code." Having heard all of the evidence and arguments presented at the Evidentiary Hearing, the Board makes the following Findings of Fact and draws the following conclusions:

1. It is the Board's conclusion that the proposed use is represented by an "S" in the column for the district in which it is located in Unified Development Ordinance (UDO) Table 4.3-1: Permitted Use Schedule. This conclusion is based on the following Findings of Fact: the application was duly filed, complete, and correct with all technical information required.
2. It is the Board's conclusion that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on the following Findings of Fact: the application is for the construction of Solar Collectors on the tax parcels listed above.
3. It is the Board's conclusion that the use meets all required conditions and specifications. This conclusion is based on the following Findings of Fact: the

application affirms the intent of all previously adopted and approved conditions in Case #21-05-GCPL-04192, except for the use of wildlife fencing.

4. It is the Board's conclusion that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. This conclusion is based on the following Findings of Fact: the written statements from experts indicated that there would be no effect on property value, and the type of fencing was not relevant to changing the Board's opinion.
5. It is the Board's conclusion that the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs: This conclusion is based on the following Findings of Fact: the use of standard chain-link fencing is allowable under the UDO, and the change in fencing type is minor and not a material change.

Therefore, based on all the foregoing, it is ordered that the application for amending the special use permit for Solar Collectors, Principal, be granted subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the UDO.
2. The development shall proceed in conformity with all plans and conditions attached to the Special Use Permit application and kept on file by the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of the site plan and design features by the Planning & Development Director after receiving comments from the TRC, illustrating conditions related to the request and applicable development standards. The final site plan will need to comply with the development standards contained in the UDO and meet the requirements outlined in Appendix 2: Map Standards.
4. The development shall proceed in accordance with any added conditions, if applicable.
5. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.
6. This motion also directs staff to draft a proposed order reflecting these findings and conclusions and such other findings and conclusions as may be consistent with the Board's decision and supported by the evidence and the law, for the Board's consideration at its next meeting.

Before the vote, Reverend Drumwright reviewed the meeting minutes from the initial Special Use Permit Approval. The wildlife-friendly fence was clearly an important factor. The original Board did not write it as an unqualified requirement. It was a condition that was agreed to. Reverend Drumwright stated that he did not like the excuse of ordering the wrong fence being an accident. He stated that he would be voting no.

The motion was seconded by Mr. Stalder. The Board voted 4-2, in favor of the motion. (Ayes: Donnelly, Kemp, Little, Stalder. Nays: Alston, Drumwright.)

IX. Other Business

None.

X. Adjourn

There being no further business before the Board, Chair Donnelly adjourned the meeting by acclamation at 9:37 p.m.

The next regular meeting of the Guilford County Planning Board is scheduled for October 14, 2026, at 6 p.m. in the John H. McAdoo Conference Room, located on the third floor of the Truist Building, 201 W Market St, Greensboro, NC 27401.